

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re: Harold Kalina & Mary Pat Kalina Debtors	CASE NO.19-17543 CHAPTER 13 JUDGE ARTHUR I HARRIS
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**OBJECTION TO AFFIDAVIT RE: 27226 COOK ROAD; OLMSTED FALLS, OH 44138.
FILED BY CREDITOR U.S. BANK TRUST NATIONAL ASSOCIATION, AS TRUSTEE OF THE
TIKI SERIES III TRUST**

Debtor objects to the Affidavit Re: 27226 COOK ROAD; OLMSTED FALLS, OH 44138.

Filed by Creditor U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust:

1. Creditor U.S. Bank (USB) mailed notice of default in plan payments to debtor and her counsel. This notice states that if the default is not cured within 14 days of receipt of the notice USB may file an affidavit attesting to default.
2. This notice was provided as required by agreed order in this case (Court Document 37).
This order requires notice to the debtor to cure any default in payment to the trustee within 14 days or the automatic stay will be terminated.
3. The date on the Notice of Default mailed by counsel for USB is November 22, 2023, the day before the Thanksgiving holiday.
4. Counsel received his copy of the notice by mail November 30, 2023. The 14 day period to cure the default in plan payments would expire December 14, 2023.

5. Debtor makes her payments by means of a payment service called TFS. The Chapter 13 Trustee suggested this service to debtor after her bank returned a payment for non sufficient funds when sufficient funds were in the account.
6. Debtor initiated two plan payments through TFS December 12, 2023 in the amount of \$2,543.44 each.
7. USB filed its affidavit before the time for payment to the Chapter 13 Trustee had passed.
8. This is a continuing objection.

WHEREFORE, Debtor requests this Court strike the affidavit Re: *27226 COOK ROAD; OLMSTED FALLS, OH 44138*. Filed by Creditor U.S. Bank Trust National Association, as Trustee of the Tiki Series III Trust.

Respectfully submitted,

BALENA LAW FIRM LLC

/s/ William J. Balena

William J. Balena, Member (0019641)
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: Heather M Banhidy Debtors	CASE NO. 19-17543 CHAPTER 13 JUDGE JESSICA PRICE SMITH
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CERTIFICATION

I certify that on December 19, 2023, a true and correct copy of the objection to motion to dismiss was served:

Via the court's Electronic Case Filing System on these entities and individuals

who are listed on the court's Electronic Mail Notice List:

Lauren Helbling, Chapter 13 Trustee, via ecf at ch13trustee@ch13cleve.com

William J. Balena on behalf of debtor, via ecf at docket@ohbksource.com

Dylan Smith on behalf of the U.S. Bank Trust NA via ecf at bankruptcy@sottileandbarile.com

By ordinary mail to the following:

Heather M Banhidy, 27226 Cook Road, Olmsted Twp, OH 44138

Respectfully submitted,

BALENA LAW FIRM LLC

/s/ William J. Balena

William J. Balen, Member (0019641)
Attorney for Debtor